



Law Society of Alberta Innovation Sandbox User Guide

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Before You Apply

The goal of this User Guide is to introduce the Law Society of Alberta's Innovation Sandbox and to make it as easy as possible for you to participate in this initiative.

Please note that this is a working document which we will regularly update based on the needs of applicants and the project.

Why has the Law Society of Alberta launched the Innovation Sandbox?

Surveys and studies have shown that between 70-80 per cent of Canadians with legal problems never access the legal system.

Traditional regulatory frameworks for legal services protect the public but also create unintended barriers that can stifle innovation. Despite concerted efforts to improve access to justice, the legal system remains expensive, legal forms and processes are complicated, the legal system often fails to take advantage of available technology and legal information is not always available to those who need it. For many people, access to justice and legal assistance remains difficult to find.

Lawyers and other organizations in Alberta have expressed significant interest in developing new and innovative ways of delivering legal services to the public. The Innovation Sandbox is the Law Society's response to this challenge.

In taking this initiative, the Law Society's goal is to explore new ways of delivering the law to make the system work better, complementing the existing legal and regulatory framework.

Our default position will be to approve any reasonable proposal that demonstrates a benefit to the public while also addressing potential risks.

If you are ready to push the boundaries with an innovative idea that will make things better for people involved in the legal system, we want to hear from you.

Why is an Innovation Sandbox needed?

Under the current *Legal Profession Act*, lawyers are the only party that can deliver legal services to the public. Anyone who is not a lawyer is currently prohibited from doing so.

Anyone wanting to provide legal services that are outside the Law Society's Rules and Code of Conduct risks regulatory intervention and prosecution for unauthorized practice of law, regardless of benefits that might accrue to the public.

The Innovation Sandbox allows the Law Society to relax its usual regulatory requirements in a controlled way to encourage innovators to bring transformative ideas to the market without violating regulatory requirements.

Benefits of an Innovation Sandbox

The Innovation Sandbox project benefits Albertans, legal services providers and the Law Society.

Fostering Innovation

Changes in technology, the emergence of alternative service providers and an increasingly globalized legal market has changed the legal environment in Alberta, with no signs of slowing down. The Law Society is committed to responding to the pressures currently impacting the legal profession and the public by identifying and

removing regulatory barriers that impede innovation. The Innovation Sandbox project allows the Law Society to be a proactive rather than a reactive participant in enabling innovation.

The Law Society recognizes that it is difficult for innovators to come forward in an environment that discourages rather than encourages innovation. An Innovation Sandbox gives them an opportunity as well as a safe harbour in which to propose innovative legal products and services.

By reducing regulatory uncertainty and offering routes to approved service provision, the Innovation Sandbox project gives providers confidence that they can grow sustainable operations and encourages them to continue developing innovative legal solutions for the Albertan and Canadian marketplace.

Regulatory Reform

In an Innovation Sandbox, providers can identify roadblocks to innovation in the current regulatory system and, when appropriate, waive regulatory requirements to allow them to safely implement their innovative models and services.

The results will inform the Law Society's decisions about the appropriate scope of its regulatory framework and help it to develop long-term changes to any regulatory requirements that currently impede innovation.

Collaboration

Ultimately, an Innovation Sandbox can foster collaboration between the Law Society and providers to identify barriers, develop long-term solutions and facilitate innovation to benefit members of the public by improving access to a wider variety of legal services at a potentially lower cost.

Protecting the Public

By carefully assessing and supervising Sandbox participants, the Innovation Sandbox project ensures that consumers

feel confident that they can make informed choices about the services they receive.

It does this by implementing and testing new proposals through a pilot in a controlled environment. This brings innovative delivery models under the Law Society's oversight and jurisdiction and enhances protection of the public.

During and prior to the end of each approved project, the Law Society will evaluate its progress and require reporting to provide for the safety of members of the public.

Facilitating Access to Justice

By safely removing and adjusting regulatory barriers, the Innovation Sandbox project encourages the development and operation of innovative products and services that will reach new consumers in new ways and address areas of high unmet legal need.

Development of the Innovation Sandbox project

In 2015, the [Law Society Benchers](#) formed the Innovating Regulation Task Force to explore potential responses to the pressures on the legal profession and to facilitate innovation in Alberta.

In 2019, the Task Force's work transitioned to the internal Innovating Regulation Group (IRG).

In October 2021, the Benchers approved the creation of an Innovation Sandbox, in which legal service providers are encouraged to develop innovative models for the delivery of legal services that cannot currently be offered due to existing regulatory requirements.

Who can participate?

The Innovation Sandbox is intended to be exploratory and innovative, so eligibility is open to the widest possible range of providers.

Our goal is to assist anyone interested in developing ideas that can potentially benefit

the public – whether in the form of efficiency, accessibility or affordability, or more.

Lawyers, non-lawyers, individuals, businesses and any organization with an interest in delivering legal products and services differently are encouraged to apply. The only exception is that lawyers who are suspended or disbarred or who have resigned in the face of discipline may not participate.

How does the Innovation Sandbox operate?

The Innovation Sandbox is an ongoing Law Society program administered by the IRG.

Applicants submit an [online application](#) to participate in the Innovation Sandbox. They explain their proposed delivery model and how it fits within the Law Society's framework of an Innovation Sandbox.

The IRG reviews the application and determines if it meets the [eligibility criteria](#) approved by the Benchers.

If a proposal is accepted (with or without conditions), any Rules or provisions of the Code of Conduct that otherwise prohibit the delivery of the proposed product or service are identified and relaxed or waived.

The IRG then works collaboratively with the applicant to monitor and evaluate the success of their operations.

Most approvals are for a period of two years but this may be varied to reflect the nature and scope of individual Innovation Sandbox projects. At the end of that time, projects either expire or are authorized to continue to operate indefinitely.

The Innovation Sandbox is not a business incubator or accelerator

The Innovation Sandbox is not an incubator or accelerator in the common understanding of those terms. It is a regulatory tool and is not designed to provide funding support or operational mentorship and resources to participants.

Many of the features and objectives of the Innovation Sandbox project are nonetheless compatible with those of incubators and accelerators.

For example, by reducing regulatory uncertainty and offering routes to approved legal services provision, the project gives providers confidence to grow successful, sustainable operations.

Will the Innovation Sandbox create services that compete with lawyers?

The Law Society views the Innovation Sandbox as an opportunity, not a threat.

Our goal is to address the unmet legal needs of Albertans, not to disrupt the good work already being done by lawyers and others in the legal system.

We anticipate that many innovations developed in the Innovation Sandbox will give lawyers expanded opportunities and new channels to better serve their clients.

Some Innovation Sandbox proposals will focus on serving consumers whose legal needs are not currently being met. Far from competing with lawyers, the goal is to expand the legal market for the benefit of all.

How long will the Innovation Sandbox last and what will happen after that?

There is no current end date for the Innovation Sandbox. Participation and ongoing reporting will inform the Law Society's future policy development and other potential regulatory reforms.

Coordination with Innovation Sandboxes in other jurisdictions

Legal regulators in British Columbia and Ontario, Utah and California, Australia and the United Kingdom have all adopted regulatory sandboxes for the legal profession or are currently developing them.

The Law Society liaises regularly with these other regulators and is actively exploring opportunities for collaboration and harmonization with them but approval elsewhere does not automatically grant operating permission to Innovation Sandbox proposals in Alberta. Alberta's Innovation Sandbox is independent of these other sandboxes.

Costs and Funding

The Innovation Sandbox project is funded through the Law Society's general operating budget.

There is no charge to submit an application or participate in the Innovation Sandbox.

The Law Society does not take an equity stake in any organizations that participate in the Innovation Sandbox.



The Application

How to Apply

Applications are completed through an online form available on the [Law Society website](#).

Upon receiving your application, you are contacted by a member of the IRG who has been assigned to act as your liaison.

A preliminary meeting is then arranged to guide you through the application process and help us understand the details of what you are proposing, how it differs from traditional legal services, and how you would address risks to consumers or the public.

You are not permitted to offer your proposed product or service to the public until you receive written confirmation that your application has been approved.

Decision Making Principles

In evaluating Sandbox applications, we try to develop as much insight as possible into the proposed product or service, while executing our oversight responsibilities in a fair and reasonable manner.

We base our decisions on empirical evidence whenever possible, using data and numbers to understand how the current delivery of legal services can be improved, the potential benefits that legal consumers may realize from the proposed Innovation Sandbox activity, and any harm consumers may face from any new product or service.

Not every benefit or risk can be measured with certainty, however. Any given outcome depends on multiple and complex considerations. Judgment must be used where relevant and reliable data are absent.

Decision Making Principles

We use the following principles to guide our decision-making.

- **Equal Access:** All applicants and interested parties should have the same opportunity to access decision makers.
- **Coherency:** Decisions and their reasons should be reasonably and clearly explained.
- **Transparency:** All parties know what information and processes that the Law Society is considering in rendering a decision.
- **Efficiency:** Decisions will be made in a timely manner.
- **Sufficiency of Data:** The information obtained and data considered must be of sufficient quality to inspire confidence in the innovation.

Criteria Used to Assess Applications

When we review applications, we look at the problem you are trying to address as well as your proposed solution.

A full listing of the eligibility criteria [can be reviewed here](#). The following are some of the key criteria:

Strategic goals

All Innovation Sandbox proposals must advance at least one of the Law Society's [strategic goals](#).

Value proposition

Will your proposal add significant and relevant value to the ways that legal services are delivered? Does it carry a reasonable prospect of identifiable and clear benefits to the public, such as improved efficiencies, lower cost, or greater access?

Is Innovation Sandbox access necessary for you to operate?

The Innovation Sandbox is a mechanism to permit innovative legal business and service models that would not have been possible under the traditional prohibitions on nonlawyer ownership and investment and nonlawyer legal practice.

It is designed for products and services that otherwise don't comply with the Law Society's [Rules or the Code of Conduct](#).

If your product or service already complies, you don't have to apply to the Innovation Sandbox.

Examples of business models or services that have not traditionally been permitted in the Alberta legal system

- Lawyers entering joint ventures or other forms of business partnerships with nonlawyer entities or individuals to practice law.
- Traditional law firms taking on nonlawyer investment or ownership.
- Fee sharing relationships between lawyers and nonlawyers.

- Referral fees paid to nonlawyers for the sole purpose of ensuring the referral of legal work.
- Corporate entities employing Alberta-licensed lawyers to provide legal services to members of the public.
- Using nonlawyer service providers or technology platforms to provide legal advice.

Genuine innovation

Your proposal should be innovative in Alberta, address gaps or offer a significantly different way of delivering legal services. Are you offering something new or are there comparable offerings already in the Alberta market? Does your proposal:

- challenge invisible orthodoxies?
- harness under-appreciated trends?
- address an unmet or under-articulated need?
- integrate a new technology?
- integrate a new/underrepresented technology in a new way, to deliver benefit?
- propose a solution to a problem that doesn't exist?

Foreseeable risks

We want you to identify any reasonably foreseeable risks that your product or service may pose to the public. Guardrails that will mitigate these risks and protect clients, such as appropriate insurance, must be identified and put in place.

Equally important, we want to understand the risks of rejecting your proposal. We want to improve on the status quo. What existing drawbacks will your proposal remedy?

Business operating permits

All business permits required by the local, provincial or federal government must still be obtained before commencing operations.

Project Readiness

We appreciate that your product or service may not be ready for market at the time you submit your proposal. Your proposal does not have to be fully developed before you contact us.

In order to secure approval, however, we will want to know how soon you will be ready to deploy in a live environment. Readiness includes having a well-developed business plan that sets out clear

objectives that you can realistically deliver in your proposed time frame, measures for success, and safeguards for the public. Do you have the necessary tools and resources to test and make your model happen?

Exit Strategy

We look for a clear exit strategy at a pre-determined end date for your proposal, or earlier if we determine that you must cease operations before that time.

More questions on your Application?

If you are not sure about submitting a proposal, the IRG would be happy to assist you and answer any questions. Please contact us at

InnovationSandbox@lawsociety.ab.ca.

Application Assessment Process

Once an application is determined to be complete, the IRG begins its review.

The first level of review is performed by the Project Manager. A second level of review is performed by the entire IRG.

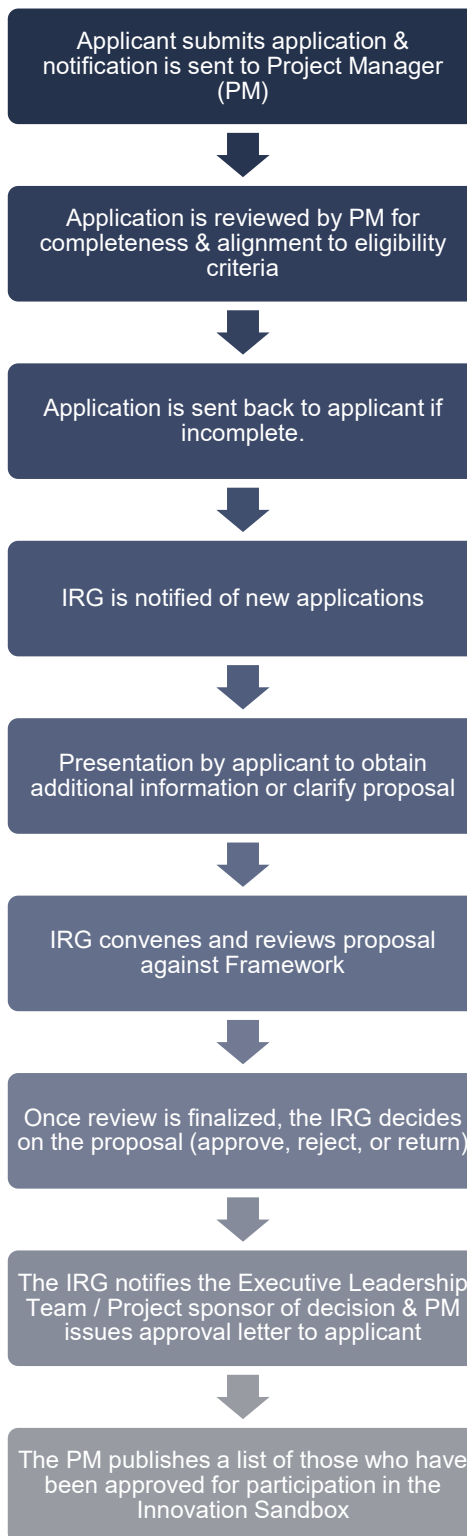
The review process is iterative, and applicants are expected to be responsive and engaged with the IRG. The IRG will seek to understand your proposal and the potential benefits and consumer risks it represents.

Risks to be considered include:

- Consumers achieving an inaccurate or inappropriate legal result;
- Consumers failing to exercise legal rights through ignorance or bad advice; and,
- Consumers purchasing an unnecessary or inappropriate legal service.

For example, an Innovation Sandbox applicant may be targeting consumers who do not generally seek help from lawyers. In that case, the risk assessment should be against receiving no legal advice or using do-it-yourself tools on the market or from court websites.

The IRG will consider any rule waivers requested by an applicant and may seek input from other parties both inside and outside the Law Society to ensure adequate consideration of any waiver implications.



Operating conditions and requirements

Approvals may be subject to various terms and conditions depending on the nature of the proposed product or service and the risks it potentially represents to the public.

Operating requirements will be tailored to the individual circumstances.

Participants will commonly be required to address the following:

Insurance or Indemnity Requirements

Applications are assessed against a detailed set of approval criteria, one of which is whether the applicant carries appropriate insurance or indemnity coverage.

Types and coverage requirements will vary but may include cyber insurance, errors and omissions insurance, product liability insurance, tenant's coverage, directors and officers insurance, and general commercial liability insurance, among others.

If Alberta lawyers are practising in the Innovation Sandbox, they need to either have indemnity coverage through ALIA or through professional liability insurance that they secure through the private market.

Sandbox participants who are not lawyers are not eligible for ALIA coverage and require private professional liability insurance.

Complaints

Participants may be required to maintain a system for addressing consumer complaints.

Interim and Final Reporting Requirements

Participants are required to provide periodic reports to the IRG consistent with the objectives and nature of their approval.

Reporting frequency and level of detail will vary from one Innovation Sandbox project to the next. As the risk of a proposed

product or service increases, the frequency and scope of reporting will increase.

Reports will generally address information such as any issues that have arisen, consumer feedback, successes and failures encountered in delivering the proposed product or service, and so on.

Before the pilot of an approved project concludes, participants are required to provide a final, formal report to the IRG.

The final report will address:

- Issues that affected the operation of the product or service;
- Measures of success, including consumer interest and participation;
- Consumer feedback, including complaints and positive outcomes;
- Any additional support required from the Law Society;
- Whether the product or service achieved its objectives;
- Performance and efficiency outcomes;
- The cost of legal services delivered; and,
- Next steps.

Disclosure and Communications

Depending on the product or service, some applicants may be required to communicate certain information to consumers. This may include any of the following:

- That they are providing legal services in a pilot through the Innovation Sandbox;
- It is a test, of limited duration, operating through the Innovation Sandbox;
- It has not been proven;
- There is no guarantee of longevity or completion of the client's matter using the product or service;
- If the product or service is provided by a non-Alberta lawyer, specific regulatory requirements may not apply;

- Informed consent disclosures (where applicable), for example, that the provider has certain limitations in terms of the tasks or functions that it is permitted to perform;
- Information about how to make a complaint or provide feedback;
- Other pertinent information, as determined by the IRG.

Innovation Sandbox participants may be required to sign an acknowledgment that they have disclosed this information as required. Failure to do so will be considered noncompliance and considered evidence of consumer harm.

How will we use your information?

We will use the information you provide to us, including all information in your application form and supporting documentation, contact details for your staff, and details of your organization as follows:

- To confirm that you are eligible to participate and remain in the Innovation Sandbox
- To administer the Innovation Sandbox and to carry out evaluation and research
- To publish research and evaluation in relation to the Innovation Sandbox, provided that when we publish research we will only use information on an anonymized and aggregated basis
- We may share your publicly available contact details and basic information about your organization (for example what it does and where you are based). However, we will not share any sensitive commercial information with anyone helping us to run or evaluate the Innovation Sandbox, such as third parties, assessors, and coaches, without your consent
- For our regulatory purposes, including investigations and proceedings, and any other purposes contemplated by

the *Legal Profession Act*, the Rules of the Law Society, the Code of Conduct, Guidelines and Protocols of the Law Society, or a resolution of the Benchers

Your information may be used during and after your participation the Innovation Sandbox.

Are Innovation Sandbox applications confidential?

All Innovation Sandbox proposals that are approved, deferred or denied will be identified on the Law Society website.

A general description will be posted to let the public know the identity of the applicant and a general description of the product or service being offered through the Innovation Sandbox.

Applications approved, deferred or rejected

The IRG may approve, defer or deny applications to the Innovation Sandbox.

Each outcome will be communicated in a written report that explains the basis for the decision.

Application Approved

If the IRG approves an Innovation Sandbox proposal, it notifies the applicant of its decision and provides them the following:

- Letter of approval;
- Participation Agreement;
- Innovation Sandbox User Guide;
- Applicable data reporting template and protocols; and,
- Any additional necessary materials

The Participation Agreement sets out the scope and nature of the approved Innovation Sandbox pilot, including:

- The product or service to be provided;
- Duration of the pilot;
- Requirement to maintain eligibility requirements;
- Conditions imposed;
- Complaint handling process;
- monitoring requirements; and,
- Interim and final reporting requirements.

Applicants may request a review of conditions imposed in a decision to approve their application.

Applicants are required to sign the Participation Agreement before commencing operations.

Application Deferred

If the IRG has concerns about an application or requires additional information before reaching a final decision, it may defer the application for future consideration.

The applicant is advised of this decision and is encouraged to address any deficiencies in order to permit the review process to be completed without unnecessary delay.

Application Denied

Before the IRG denies any application, it will attempt to resolve any obstacles and address missing elements standing in the way of approval. The goal is to encourage innovation, not stand in its way.

If the noted shortcomings cannot be resolved, a written decision will clearly articulate how the application fell short. Reasons may include:

- Insufficiently clear proposal of business or service model;

- A failure to adequately articulate the project's benefit or mitigate against reasonably foreseeable risks;
- An inability to report data as required by the IRG;
- Proposal is not ready to implement;
- Proposal is already permitted under the traditional rules, so an Innovation Sandbox authorization is not needed;
- Participation of a disbarred or suspended lawyer; and,
- Applicant is merely a vehicle for an out-of-province lawyer to practice in Alberta.

Anyone whose application is denied can modify their application to address any deficiencies and reapply.

What separates a good application from a great one?

Experience tells us that a lot of great ideas never see the light of day because they are buried in mediocre applications. If you want yours to stand out:

- It will concisely explain **what your product or service will actually do**, with a minimum of technical lingo, acronyms and catch phrases.
- It will help us decide if this is a good idea by articulating clearly and directly how your product or service will **benefit** legal consumers.
- It will explain **who you are** and why your proposal is credible.
- It will **identify a niche** that is being under-served or ignored by current legal practice.
- It will demonstrate a **good handle on your market** and will address any **barriers to entry** you will have to overcome. It will show you **know your audience** and **where you are going**.
- It will be well **formatted**, organized and presented in a way that's easy to understand.
- It will show you care about what you are doing. It will be obvious that **someone has invested time and thought** in the application.
- It will address the **elephants in the room**. Because we keep all applications confidential, we expect you to be honest with your answers.

Approval does not mean endorsement

If an Innovation Sandbox proposal is approved, it means the product or service meets the objectives of the Innovation Sandbox.

It does not mean the Law Society endorses or certifies the quality of the product or service or the qualifications, competence or fitness of the individuals or organization involved in their delivery.



Operational Phase

What happens after an application is approved?

Applicants will be provided with a liaison on the IRG who can provide them with guidance and information about their application.

The applicant will test and implement the proposed product or service in a controlled environment through the pilot for the period stipulated in the approval.

The Law Society will oversee and monitor the implementation of the delivery model during the pilot.

Providers are encouraged to contact their IRG liaison for any information or support they may need.

Commencement of Operations

Applicants are not allowed to deliver the approved product or service to the public prior to the approved launch date.

At the launch date, they should be implementing their product or service using the methods and scope that were described in their application.

Applicants have six months from the date of their approval to begin implementation. If they have not done so by that time and the applicant has not received an extension from the IRG, the approval automatically lapses.

How long will pilots be approved to operate?

An Innovation Sandbox is an opportunity to develop, implement, test and evaluate new models for delivering legal services in a pilot. The duration of a pilot should be of a period sufficient to obtain relevant and pertinent testing information to gauge the efficacy of the delivery model that is being tested.

Innovation Sandbox approvals will usually be set at 24 months from date of launch but this may vary depending on circumstances.

Does Innovation Sandbox approval mean I can represent clients in court?

Under the *Legal Profession Act*, only active members of the Law Society may appear in court on behalf of others.

Unless a statutory exemption applies – for example, section 62 of the *Provincial Court Act* allows individuals who are not lawyers to act as agents in the Civil Division of that court – non-lawyers must seek the Court's permission before they can appear on behalf of others.

Lawyers from outside of Alberta

The Innovation Sandbox does not replace multijurisdictional practice rules.

If a lawyer from another province participates in the Innovation Sandbox, they are required to submit to the Law Society's jurisdiction and confirm that they are subject to its regulatory and disciplinary authority in accordance with the National Mobility Agreement.

See the [Law Society website](#) for more information about the National Mobility Agreement.

Does Innovation Sandbox approval include immunity from investigation or prosecution?

No. Innovation Sandbox participants remain subject to all federal and provincial laws and municipal bylaws. If you violate consumer protection, privacy, securities, and other laws, you can be investigated and are subject to prosecution for those violations.

The safe zone created by Innovation Sandbox approval simply means that participants will not be subject to Law Society discipline for engaging in the approved activity.

Lawyers working in an Innovation Sandbox project can still be disciplined if they violate the Law Society Rules or Code of Conduct in any other respects.

Any false or misleading statements made by Innovation Sandbox applicants in their application, whether discovered at the time or at any time afterward, will be independent grounds for termination of the Innovation Sandbox approval and regulatory enforcement, and an aggravating factor in any enforcement proceeding based on other conduct.

Other licensed professionals (accountants, medical providers, etc.) can be subject to professional discipline by their regulators if they violate their rules.

Complaints against Innovation Sandbox Participants

The Law Society has the authority to revoke a provider's Innovation Sandbox approval, and complaints are one source of information about providers and their services.

Complaints will be assessed on a case-by-case basis. They will be reviewed to determine their nature, the issues raised and whether they may be resolved through discussion or additional support. If they are resolved to the satisfaction of the IRG

liaison dealing with that participant, no further steps will be taken.

Complaints regarding the professional conduct of Alberta lawyers will follow the Law Society's usual regulatory process, depending on the context.

Suspension or Revocation of Approval

The IRG may suspend, modify or revoke Innovation Sandbox approvals at any time and in its discretion, where the protection of the public interest is impacted, including in the following circumstances as appropriate:

- Failure to adhere to applicable professional standards
- Failure to maintain compliance with eligibility requirements
- Failure to comply with imposed conditions
- Breach of the Participation Agreement
- Outcome of a complaint
- Change in the Law Society status of a lawyer participating in an approved delivery model in the Innovation Sandbox
- If the applicant or any director in the applicant organization:
 - Is convicted under any Act of the Parliament of Canada for an indictable or hybrid offence or for a similar offence committed outside of Canada
 - Is convicted under any tax legislation in Canada or elsewhere
 - Is charged for a regulatory offence in any jurisdiction in which the individual is subject to the regulation of any regulatory body, including the legal profession
 - Is convicted of contravening any provision of the Securities Act (Alberta) or similar legislation in any Canadian province or territory; or,

- experiences financial difficulty including that arising from a court judgment, Writ of Enforcement, bankruptcy, a consolidation or receiving order, or a consumer proposal.
- Financial difficulties including those arising from a court judgment, Writ of Enforcement, bankruptcy, a consolidation or receiving order, or a consumer proposal

Post-Innovation Sandbox Operations

At the conclusion of each pilot, the IRG will review the applicant's final report and evaluate the success of the product or service offered.

The IRG will consider options available to the Law Society and the applicant. It may allow operations to continue for a specified time or indefinitely, on the same or modified terms. Or it may direct that all operations cease.

The IRG may also seek amendments to the Law Society's Rules to allow for the full implementation of the delivery model by the applicant or others.

Post-Innovation Sandbox options may be constrained by legislation, which is beyond the scope of the Innovation Sandbox project.

Questions and Support

We understand how challenging it can be to navigate the rules and regulations governing legal services and the practice of law.

Getting it right builds trust and creates opportunities, for you, the Law Society and, most importantly, the public.

That is why we provide all applicants with access to Law Society personnel and expertise throughout the Innovation Sandbox process, for advice, support and feedback.

If you have any questions about the Innovation Sandbox or application process, send your questions to the IRG at innovationsandbox@lawsociety.ab.ca.